

ASSEMBLY BILL

No. 299

Introduced by Assembly Member Calderon

February 6, 2017

An act to amend Section 1940.3 of the Civil Code, relating to hiring of real property.

LEGISLATIVE COUNSEL'S DIGEST

AB 299, as introduced, Calderon. Hiring of real property: immigration or citizenship status.

Existing law prohibits any city, county, or city and county from compelling a landlord or any agent of the landlord to take any action, as specified, based on the immigration or citizenship status of a tenant, prospective tenant, occupant, or prospective occupant of residential rental property.

This bill would expand this prohibition to include a “public entity,” which the bill would define to include the state, as defined, a city, county, city and county, district, public authority, public agency, and any other political subdivision or public corporation in the state.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1940.3 of the Civil Code is amended to
- 2 read:
- 3 1940.3. (a) ~~No city, county, or city and county shall, by statute,~~
- 4 *A public entity shall not, by statute, ordinance, or regulation, policy,*
- 5 ~~or by~~ administrative action implementing any statute, ordinance,

1 ~~or~~ regulation, *policy, or administrative action*, compel a landlord
2 or any agent of the landlord to make any inquiry, compile, disclose,
3 report, or provide any information, prohibit offering or continuing
4 to offer, accommodations in the property for rent or lease, or
5 otherwise take any action regarding or based on the immigration
6 or citizenship status of a tenant, prospective tenant, occupant, or
7 prospective occupant of residential rental property.

8 (b) ~~No~~ A landlord or any agent of the landlord shall *not* do any
9 of the following:

10 (1) Make any inquiry regarding or based on the immigration or
11 citizenship status of a tenant, prospective tenant, occupant, or
12 prospective occupant of residential rental property.

13 (2) Require that any tenant, prospective tenant, occupant, or
14 prospective occupant of the rental property *disclose or* make any
15 statement, representation, or certification concerning his or her
16 immigration or citizenship status.

17 (c) ~~Nothing in this~~ This section shall *not* prohibit a landlord
18 from either:

19 (1) Complying with any legal obligation under federal law.

20 (2) Requesting information or documentation necessary to
21 determine or verify the financial qualifications of a prospective
22 tenant, or to determine or verify the identity of a prospective tenant
23 or prospective occupant.

24 (d) *For purposes of this section, both of the following shall*
25 *apply:*

26 (1) *“Public entity” includes the state, a city, county, city and*
27 *county, district, public authority, public agency, and any other*
28 *political subdivision or public corporation in the state.*

29 (2) *“State” includes any state office, department, division,*
30 *bureau, board, or commission and the Trustees of the California*
31 *State University and the California State University.*